

**U.S. DEPARTMENT OF LABOR**

SECRETARY OF LABOR  
WASHINGTON, D.C.

DATE: June 30, 1992  
CASE NO. 87-CTA-15

IN THE MATTER OF

UNITED STATES DEPARTMENT OF LABOR,

COMPLAINANT,

v.

WESTCHESTER COUNTY, NEW YORK,

RESPONDENT.

BEFORE: THE SECRETARY OF LABOR

DISMISSAL ORDER ARISING  
FROM SETTLEMENT BEFORE  
ADMINISTRATIVE LAW JUDGE

On June 5, 1992, the Administrative Law Judge (ALJ) issued a Recommended Decision and Order Approving Settlement (R.D. and O.) under the Comprehensive Employment and Training Act (CETA), 29 U.S.C. §§ 801-999 (Supp. V 1981). <sup>1/</sup> The R.D. and O. recommended the entry of an order providing that the May 21, 1992, Stipulation of Final Settlement filed with the ALJ be accepted as fully dispositive of all unresolved issues in this case.

Although the ALJ captions his CETA decision as **"recommended,"** rather than final, as pointed out in United States

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<sup>1/</sup> CETA was repealed effective October 12, 1982. The replacement statute, the Job Training Partnership Act, 29 U.S.C. §§ 1501-1791 (1988), provides that pending proceedings under CETA are not affected. 29 U.S.C. § 1591(e).

Department of Labor v. County of Essex, New Jersey, Case No. 85-CTA-28, Acting Secretary's Order of Dismissal, Jan. 30, 1991, slip op. at 2, (also involving a stipulation of final settlement filed with an ALJ under CETA), the governing CETA regulation, 20 C.F.R. § 676.91(f) (1990), provides that the ALJ's decision is final unless a dissatisfied party files exceptions and the Secretary asserts jurisdiction and stays the proceeding. Thus "[u]nlike settlements reviewed and recommended for approval by ALJs under various employee protection (whistleblower) statutes pursuant to regulations at 29 C.F.R. Part 24 (1990), finality under CETA does not obligate the Secretary to review and approve CETA settlements.@' County of Essex, slip op. at 2 (citations and footnote omitted). Accordingly, this case is DISMISSED.

SO ORDERED.

  
Secretary of Labor

Washington, D.C.

CERTIFICATE OF SERVICE

Case Name: U.S. Department of Labor v. Westchester County.  
New York

Case No. : 87-CTA-15

Document : Dismissal Order Arising from Settlement before  
Administrative Law Judge

A copy of the above-referenced document was sent to the following  
persons on JUN 30 1992.

Kathleen Gorham

CERTIFIED MAIL

Patricia M. Rodenhausen  
Regional Solicitor  
Attn: Jane **Snell** Bruner  
U.S. Department of Labor  
201 Varick Street, Rm. 707  
New York, NY 10014

Bonnie D. Harris, Esq.  
Daniel H. Krivit, Esq.  
Gary D. **Michaels**, Esq.  
Krivit & Krivit  
50 E Street, S.E.  
Washington, DC 20003

Frank **Marocco**  
Deputy County Attorney  
Richard B. Liebowitz  
Asst. County Attorney  
Westchester County  
Room 600  
Michaelin Office Bldg.  
148 **Martine** Avenue  
White Plains, NY 10601

Mr. Lovell W. Sutherland  
Mr. Thomas E. Hill  
Grant Officer  
U.S. Department of Labor/ETA  
201 Varick Street  
New York, NY 10014

Mr. Andrew P. **O'Rourke**  
 County Executive  
 Westchester County  
 148 **Martine** Avenue  
 White Plains, NY 10601

REGULAR MAIL

David O. Williams  
 Office of Financial Administrative  
 Management  
 Charles Wood  
 Chief, Division of Audit Resolution  
 Linda Kontnier  
 Office of Debt Management  
 U.S. Department of Labor  
 200 Constitution Ave., N.W.  
 Room N-4671  
 Washington, DC 20210

Hon. Nahum Litt  
 Chief Administrative Law Judge  
 Office of Administrative Law Judges  
 800 **K** Street, N.W., Suite 400  
 Washington, DC 20001-8002

Hon. John M. **Vittone**  
 Deputy Chief Administrative Law Judge  
 Office of Administrative Law Judges  
 U.S. Department of Labor  
 800 **K** Street, N.W., Suite 400  
 Washington, DC 20001-8002

Hon. Lawrence E. Gray  
 Administrative Law Judge  
 Office of Administrative Law Judges  
 800 **K** Street, N.W., Suite 400  
 Washington, D.C. 20001-8002

HAND DELIVERED

Charles D. Raymond, Esq.  
 Associate Solicitor for  
 Employment and Training  
 Legal Services  
 U.S. Department of Labor  
 Room N-2101  
 200 Constitution Ave., N.W.  
 Washington, DC 20210